THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.4599 OF 2004

Dated: 24-01-2006

Between

M/s. Blooms Marketing (Pvt.) Ltd.,

D.No.7-11-6/7, 1st Floor, Eshwar

Palace, Dwarakanagr, Visakhapatnam

Rep. by its Chairman & Director,

M. Madhusudhan Rao, S/o. Late

Veeraraghavulu.

...PETITIONER

AND

The State of A.P., Department of Home,

Rep. by its Secretary, Secretariat,

Hyderabad and others.

...RESPONDENTS

ORDER:

Petitioner seeks a Writ of Certiorari questioning the investigation in Cr.No.12 of 2004 of IV Town Police Station, Visakhapatnam on the ground that the allegations and averments made in the complaint against him would not attract the ingredients of Sections 3, 4 and 5 of the Prize, Chits and Money Circulation Schemes (Banning) Act, 1978 (for short 'the Act') and Section 420 of the Indian Penal Code (IPC).

Counter has been filed stating that on a written complaint made against the petitioner a case in Cr.No.12 of 2004 for the offences under Section 420 IPC and Sections 3, 4 and 5 of the Act was registered on 14.02.2004 on the file of the IV Town Police Station, Visakhapatnam. After registration of the case investigation was taken up and 33 witnesses were examined and their statements have been recorded. During the course of the investigation it was revealed that the petitioner cheated various victims to a tune of about 48 lakhs, which prima facie attracts the ingredients of Section 420 IPC and Sections 3, 4 and 5 of the Act.

A perusal of the complaint and the material available on record goes to show that the allegations made in the complaint prima facie establish the said offence of the petitioner and therefore, it cannot be said that the registration of the said crime is illegal and without jurisdiction.

The writ petition is accordingly dismissed.

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V. ESWARAIAH, J

January 24, 2006

DSK